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EXAMINER
NORMAN, SAMICA L

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05 July 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-5 and 13-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-5 and 13-16* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

     1. ☐ Certified copies of the priority documents have been received.

     2. ☐ Certified copies of the priority documents have been received in Application No. _____.

     3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claims 1-5 and 13-16 are pending. Claims 6-12 are cancelled.

The objection to the specification has been withdrawn.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-5 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nemeth et al., U.S. PG-Pub No. 2005/0071233 (reference A on the attached PTO-892

document).

3.   As per claim 1, Nemeth et al. teaches an Internet Printing Protocol (IPP) payment system

for paying for IPP services, said system comprising: a plurality of IPP cards each having a

unique identification code (see paragraph 0018, lines 5-8 and paragraph 0019, lines 9-11); a data

structure storing a plurality of records, where each record includes an identification code and a

monetary amount, and where each record corresponds to one of the plurality of IPP cards, such

that the identification code of a particular record corresponds to the unique identification code of

a particular IPP card of the plurality of IPP cards (see paragraph 0006, lines 1-5 and paragraph

0018, lines 5-8); and a processor for determining if the monetary amount corresponding to one of

the plurality of IPP cards is sufficient for the payment of an IPP service (see paragraph 0006,

lines 11-16) and for assigning a password to at least one identification code of at least one of the

plurality of records, said processor further receiving only a password and facilitating payment of

said IPP services by verifying whether said received password is assigned to said at feast one

identification (see paragraph 0019, lines 1-8 and paragraph 0023, lines 3-9).

4.   As per claim 2, Nemeth et al. teaches the IPP payment system of claim 1 as described

above. Nemeth et al. further teaches wherein the plurality of IPP cards are prepaid (see

paragraph 0004, lines 1-5).

5.   As per claim 3, Nemeth et al. teaches the IPP payment system of claim 1 as described

above. Nemeth et al. further teaches wherein the processor includes means for receiving

instructions to deduct or add an amount from or to a monetary amount corresponding to one of

the plurality of records via a network (see paragraph 0023, lines 13-19).

6.   As per claim 4, Nemeth et al. teaches the IPP payment of claim 1 as described above.

Nemeth et al. further teaches wherein the processor determines if the corresponding monetary

amount corresponding to one of the plurality of IPP cards is sufficient for the payment of a non-

IPP service (see paragraph 0023, lines 13-19).

7.   As per claim 5, Nemeth at al. teaches the IPP payment system of claim 1 as described

above. Nemeth et al. further teaches wherein each of the plurality of IPP cards corresponds to a

subscriber of said IPP payment system (see paragraph 0006, lines 1-5).

8.   As per claim 13, Nemeth et al. teaches a method for facilitating payment for an electronic

commerce transaction, said method comprising: assigning a password to a unique identification

code of a prepaid card (see paragraph 0019, lines 1-8); receiving the password by the at least one

computing device via the network (see paragraph 0023, lines 3-9); verifying whether the

received password corresponds to at least one identification code stored within at least one data

structure, the at least one identification code including the unique identification code (see

paragraph 0023, lines 3-9); and facilitating payment for the electronic commerce transaction, if

the received password corresponds to the unique identification code stored within the at least one

data structure, by accessing at least one data structure for determining a monetary value

corresponding to the prepaid card, such that payment is facilitated without a user transmitting the

unique identification code of the prepaid card (see paragraph 0023, lines 11-19).

9.   As per claim 14, Nemeth et al. teaches the method of claim 13 as described above.

Nemeth et al. further teaches the step of receiving instructions via the network to deduct or add

an amount from or to a monetary amount corresponding to the prepaid card (see paragraph 0023,

lines 13-19).

10.   As per claim 15, Nemeth et al. teaches the method of claim 13 as described above.

Nemeth et al. further teaches wherein the step of facilitating the step of determining if a

corresponding monetary amount corresponding to the prepaid card is sufficient for the payment

of the electronic commerce transaction (see paragraph 0023, lines 13-19).

11.   As per claim 16, Nemeth et al. teaches an electronic commerce payment system

comprising: a plurality of prepaid cards each having a unique identification code (see paragraph

0018, lines 5-8 and paragraph 0019, lines 9-11); at least one data structure storing a plurality of

records, where each record includes an identification code and a monetary amount, and where

each record corresponds to one of the plurality of prepaid cards, such that the identification code

of a particular record corresponds to the unique identification code of a particular prepaid card of

the plurality of prepaid cards (see paragraph 0006, lines 1-5 and paragraph 0018, lines 5-8); and

a processor for determining if the monetary amount corresponding to one of the plurality of

prepaid cards is sufficient for the payment of an electronic commerce transaction (see paragraph

0006, lines 11-16) and for assigning a password to at least one identification code of at least one

of the plurality of records, said processor further receiving only a password and facilitating

payment of said electronic commerce transaction by verifying whether said received password is

assigned to said at least one identification code (see paragraph 0019, lines 1-8 and paragraph

0023, lines 3-9).

Response to Arguments

12.   Examiner's Note: Examiner has pointed out particular references contained in the prior

arts of record in the body of this action for the convenience of the applicant. Although the

specified citations are representative of the teachings in the art and are applied to the specific

limitations within the individual claim, other passages and figures may apply as well. It is

respectfully requested from the applicant, in preparing the response, to consider fully the entire

references as potentially teaching all or part of the claimed invention, as well as the context of

the passage as taught by the prior arts or disclosed by the examiner.

13.   Applicant's arguments filed July 5, 2007 have been fully considered but they are not

persuasive. Applicant argues that Nemeth et al. teaches away from "processor receiving only a

password." Claim 1 uses the transitional phrase "comprising." The transitional term

"comprising", which is synonymous with "including," "containing," or "characterized by," is

inclusive or open-ended and does not exclude additional, unrecited elements or method steps.

See, e.g., > Mars Inc. v. H.J. Heinz Co., 377 F.3d 1369, 1376, 71 USPQ2d 1837, 1843 (Fed. Cir.

2004) ("like the term comprising,' the terms containing' and mixture' are open-ended.").<

Invitrogen Corp. v. Biocrest Mfg., L.P., 327 F.3d 1364, 1368, 66 USPQ2d 1631, 1634 (Fed. Cir.

2003) ("The transition comprising' in a method claim indicates that the claim is open-ended and

allows for additional steps."); Genentech, Inc. v. Chiron Corp., 112 F.3d 495, 501, 42 USPQ2d

1608, 1613 (Fed. Cir. 1997) ("Comprising" is a term of art used in claim language which means

that the named elements are essential, but other elements may be added and still form a construct

within the scope of the claim.); Moleculon Research Corp. v. CBS, Inc., 793 F.2d 1261, 229

USPQ 805 (Fed. Cir. 1986); In re Baxter, 656 F.2d 679, 686, 210 USPQ 795, 803 (CCPA 1981);

Ex parte Davis, 80 USPQ 448, 450 (Bd. App. 1948) ("comprising" leaves "the claim open for the

inclusion of unspecified ingredients even in major amounts"). >In Gillette Co. v. Energizer

Holdings Inc., 405 F.3d 1367, 1371-73, 74 USPQ2d 1586, 1589-91 (Fed. Cir. 2005), the court

held that a claim to "a safety razor blade unit comprising a guard, a cap, and a group of first,

second, and third blades" encompasses razors with more than three blades because the

transitional phrase "comprising" in the preamble and the phrase "group of" are presumptively

open- ended. (see MPEP 2111.03 [R-3]).

Conclusion

14.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samica L. Norman whose telephone number is (571) 270-1371. The examiner can normally be reached on Mon-Thur 6:30a-4p, w/ 1st Fri off & 2nd 6:30a-3p.

15.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sln

Kambiz Abdi
Supervisory Patent Examiner, AU 3692